

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST CITY OF ATLANTA AND ANY AND ALL OF ITS PRESENT AND FORMER OFFICERS AND EMPLOYEES IN THE CASE OF *JOHNNY CLOUD v CITY OF ATLANTA et al*, CIVIL ACTION FILE NO. 1:97-CV-0190-JEC IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, FOR THE SUM OF \$50,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM ACCOUNT NO. 1A01 (GENERAL FUND) – 529017 (PROPERTY LIQUIDATION) - T31001 (NON-DEPARTMENTAL); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE PAYMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, in CIVIL ACTION FILE NO. 1:97-Cv-0190-JEC in the United States District Court for The Northern District Of Georgia, Johnny Cloud filed suit against the City of Atlanta, the Chief of Police and several police officers, contending that the police officers had engaged in a conspiracy to deprive him of his civil rights, by planting evidence on him of illegal drug possession and sale, and by engaging in a false arrest; and that the Chief of Police and other high-ranking officers had known of the actions of the officers in other cases and had allowed their misconduct; and

WHEREAS, the Chief of Police, other high-ranking officers, and the City of Atlanta have been dismissed from the action by the Court, subject to Mr.Cloud's right to appeal and the case remains pending against several former police officers; and

WHEREAS, the Plaintiff Johnny Cloud has offered to settle his claims against the City of Atlanta and all its present and former officers and employees for the sum of \$50,000, including attorney fees and costs; and

WHEREAS, there is some risk that the United States Court of Appeals may reinstate the case against the City of Atlanta and others if the case is not settled; and

WHEREAS, in the opinion of the City Attorney the proposed settlement of all claims against all Defendants for the sum of \$50,000.00 is appropriate and is in the best interest of the City, now therefore:

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY
RESOLVES:

- Section 1: THAT the City Attorney is hereby authorized on behalf of the City of Atlanta to settle the claims of Johnny Cloud against the City of Atlanta and various of its present and former officers and employees as set forth in the case of *JOHNNY CLOUD V. CITY OF ATLANTA et al.*, in CIVIL ACTION FILE NO. 1:97-Cv-0190-JEC in the United States District Court for The Northern District Of Georgia by paying Fifty Thousand Dollars (\$ 50,000.00) in full settlement of all claims of the Plaintiff against the City of Atlanta, its officers and employees, arising out the incident or incidents which were the subject matter of the litigation.
- Section 2: THAT in furtherance of said settlement the Chief Financial Officer is authorized to issue the City's check in the sum of Fifty Thousand Dollars (\$ 50,000.00), payable to J.M. Raffauf, Esq., as attorney for Plaintiff Johnny Cloud, and to charge such amount to Account No. 1A01 (General Fund) – 529017 (Property Liquidation) - T31001 (Non-Departmental).
- Section 3: THAT the City Attorney is authorized to enter into and execute on behalf of the City of Atlanta any and all documents, agreements and pleadings necessary to effectuate the settlement as authorized herein.